

REMARKS:

Claims 11, 17, 19, and 20 are currently pending in the present application.

Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,788,372 (Jones) in view of U.S. Patent No. 5,535,861 (Young) and JP469423 (JP'423). Claims 11, 17, and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jones in view of Young, JP'423, and further in view of U.S. Patent No. 2,774,553 (Jensen).

Rejections Under 35 U.S.C. § 103(a):

Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Jones in view of Young and JP'423. The Applicant respectfully traverses this rejection for at least the following reasons.

Claim 20 is hereby amended to more particularly point out and distinctly claim the subject matter that the Applicant regards as the invention. In particular, Claim 20 is hereby amended to include the following features: (1) detecting the proximity of the ground relative to the aircraft with a sensor; and (2) automatically controlling the amount of fluid through the passage with a control system operably associated with the selectively switchable valve.

Support for the above amendments is found on at least page 4, lines 16-21 of the original disclosure, which states:

Dampers 29 are preferably switched through electric actuation, though other types of actuation may alternatively be used, and the switching of dampers 29 is preferably automatically controlled by aircraft control systems. For example, the aircraft control systems may switch dampers 29 to a stiffer setting upon a signal that the aircraft is within a selected proximity of the ground or upon a signal generated by sensors indicating contact of the landing gear with the ground.

It should be noted that independent Claims 11 and 20 have been amended in the previous Amendment to include the following features: (3) the elastomeric seals having a layer of elastomeric material and a layer of rigid, non-elastomeric material; (4) a second passage extending the length of the piston; (5) a rotary valve disposed within the piston; (6) a switch operably associated with the rotary valve.

The Applicant submits that Claim 20, as amended, is neither disclosed nor taught by Jones in view of Young and JP'423 for at least the following reasons.

Figure 1 below shows the claimed damper, as illustrated in Figure 5 of the drawings. It should be noted that the rotary valve is disposed within the piston and is adapted to open and close the primary passage. Claim 20 further includes the feature of detecting the proximity of the ground relative to the aircraft with a sensor and automatically controlling the amount of fluid through the passage with a control system operably associated with the selectively switchable valve.

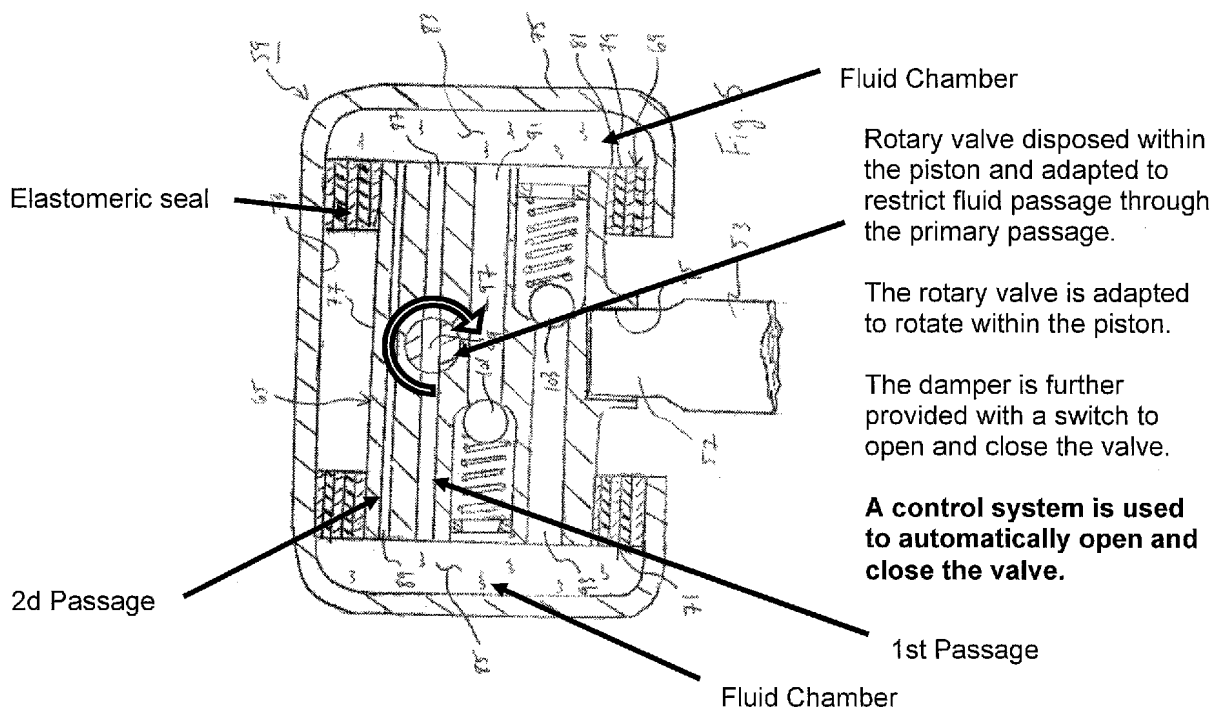


Figure 1: The claimed damper.

The Examiner relies on Jones as the primary reference for disclosing the features of the claimed damper. Figure 2 below shows the Jones damper.

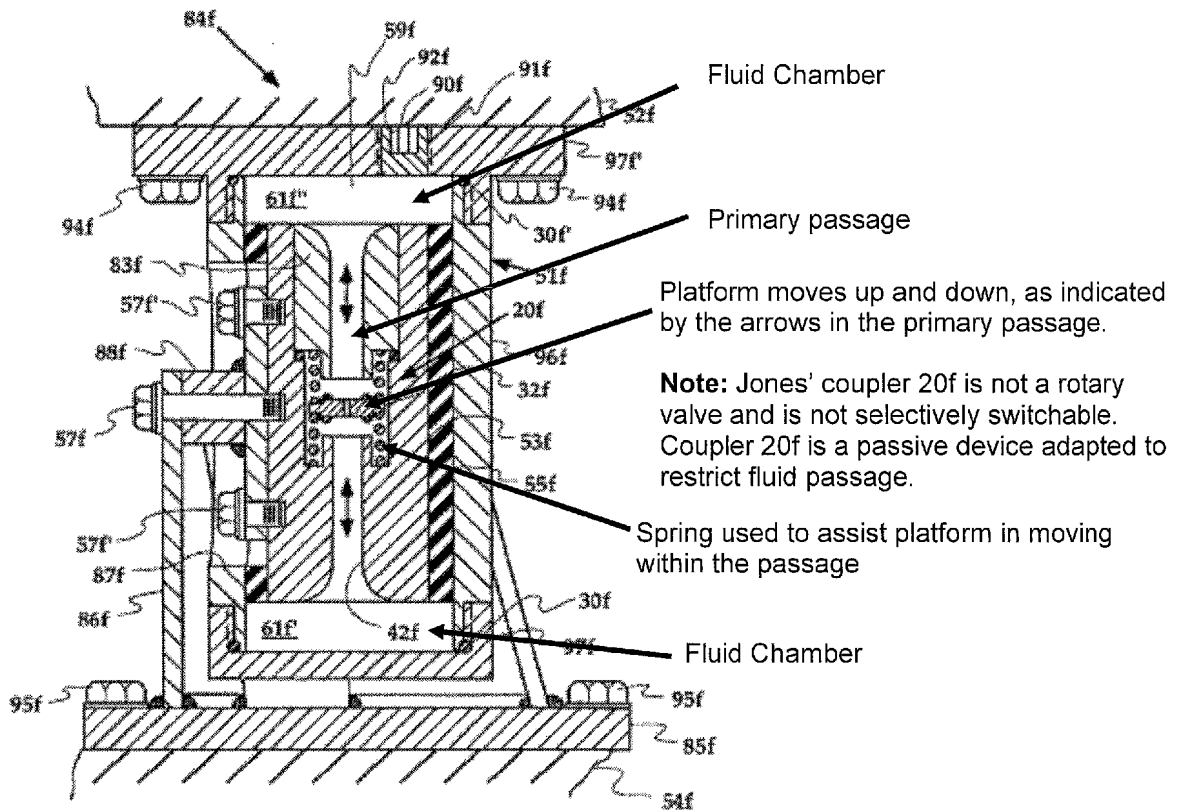


Figure 2: The Jones damper, as shown in Figure 4 of Jones.

With respect to feature (3), Jones fails to disclose elastomeric seals having a layer of elastomeric material and a layer of rigid, non-elastomeric material. The Examiner relies on Young to disclose this feature. Figure 2 below shows the Young piston with elastomeric seals.

Claims 11, 17, and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jones in view of Young, JP'423, and further in view of Jensen. The Applicant respectfully traverses this rejection for at least the following reasons.

With respect to feature (4), the Examiner relies on Jensen to teach a secondary passage extending the length of the piston.

On page 8 of the Office Action, the Examiner states that Jensen shows a secondary passage 146 disposed within the piston. It should be understood that Jensen discloses a passage 146 and two relief passages passing through the piston. The second passage 152 does not extend through the piston. Figure 4 below shows the Jensen damper.

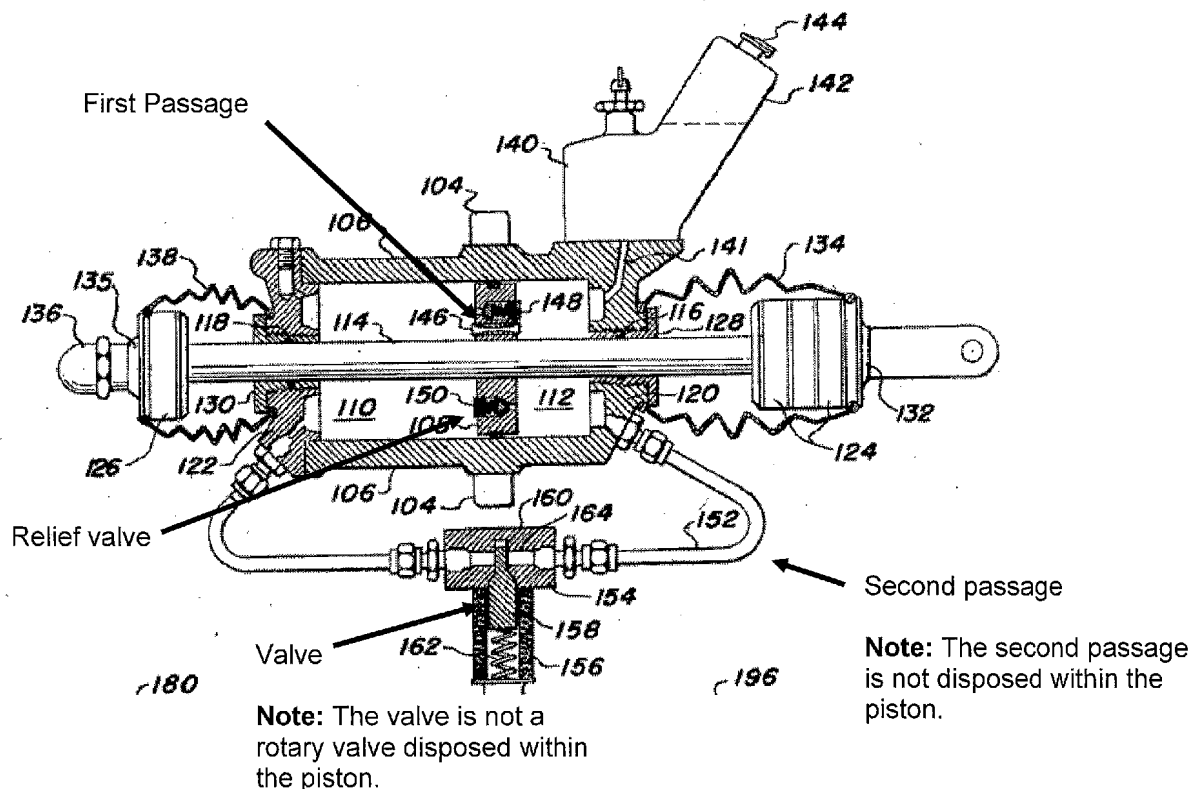


Figure 4: The Jensen damper, as shown in Figure 5 of Jones.

In comparison, the claimed damper includes a first passage, a second passage, and two relief valves passages extending through the length of the piston. It should be understood that the second passage is not a relief passage. Jensen provides no motivation for having a second passage extending through the piston. In fact, Jensen teaches away from this feature by having the second passage 152 outside the housing. Thus, the Applicant respectfully disagrees that Jensen discloses or teaches feature (2) discussed above.

In further comparison, the claimed damper includes a rotary valve disposed within the piston and a switch operably associated with the piston for actively opening and closing the fluid passage. Jensen teaches away from this feature. The Jensen second passage is positioned outside the piston. The Jensen valve is a spring actuated valve, not a rotary valve. And, the Jensen valve is not positioned within the piston.

It should be noted that Jensen does disclose relief valves disposed within the piston; however, the relief valves are pressure valves, and are adapted to only allow fluid passage therethrough to relieve pressure.

The Applicants reiterate the distinguishing features set forth herein regarding Jones in view of Young and JP'432. In particular, the cited references fail to disclose or teach controlling the rotary valve switch with a control system upon detection of the ground surface. For at least these reason, and the reasons discussed above with reference to Jensen, the Applicant submits that independent Claim 11, as amended, is neither disclosed or taught by the cited references.

Thus, the Applicant submits that the remarks and amendments made herein regarding Claim 11 overcome the Examiner's rejections under 35 U.S.C. § 103(a), and that Claim 11, as amended, is now *prima facie* in condition for allowance. Therefore, the Applicant respectfully requests that Claim 11 be allowed.

Claims 17 and 19 are dependent claims dependent upon Claim 11. Because Claims 17 and 19 are dependent upon and further limit Claim 11, the Applicant submits

that Claims 17 and 19 are also in condition for allowance. Therefore, the Applicant respectfully requests that Claims 17 and 19 be allowed.

Distinctions, Other Than Those Discussed, May Exist:

It should be noted that the Applicant has merely discussed example distinctions from the reference cited by the Examiner. Other distinctions may exist and Applicant reserves the right to discuss these additional distinctions in a future Response or on Appeal. By not responding to the additional statements made by the Examiner, the Applicant does not acquiesce to the Examiner's additional statements. The remarks and amendments provided above are sufficient to overcome the Examiner's rejections.

CONCLUSION:

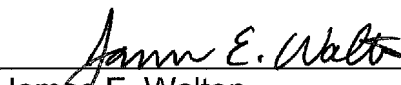
The Applicant submits that the foregoing remarks and amendments made with respect to Claims 11, 17, 19, and 20 traverse the Examiner's rejections under 35 U.S.C. § 103(a), and that Claims 11, 17, 19, and 20 are *prima facie* in condition for allowance. Therefore, the Applicant respectfully requests that Claims 11, 17, 19, and 20 be allowed.

The Applicant submits that the subject Application is now considered to be in condition for allowance, and an early reconsideration and issuance of a Notice of Allowance are earnestly solicited. The Examiner is invited to contact the undersigned at (817) 447-9955 with any questions, comments, or suggestions relating to the referenced patent Application.

This Amendment is being filed via the U.S. Patent and Trademark Office's EFS-Web electronic filing system. No fees are deemed to be necessary; however, the Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayments, to **Deposit Account No. 502806**.

Respectfully submitted,

7/6/11
Date



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